

from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of California, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Tomato Conserve—Conserva di Tomate (design of ripe tomato) Rossa-Flag Brand—Packed according to Pure Food Law—Packed by Coroneos Brothers, Philadelphia, Pa."

Adulteration of the product was alleged in the libel for the reason that it was composed in whole and in part of filthy and decomposed vegetable substance.

On June 10, 1913, no claimant having appeared for the property, judgment of forfeiture and condemnation was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., April 14, 1914.

3094. Adulteration and alleged misbranding of beer. U. S. v. Berghoff Brewing Association. Plea of guilty to second count of indictment. Fine, \$100 and costs. First count of indictment nolle prossed. (F. & D. No. 5205. I. S. No. 37906-e.)

At the November, 1913, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against the Berghoff Brewing Association, a corporation, Fort Wayne, Ind., alleging shipment by said association, in violation of the Food and Drugs Act, on July 15, 1912, from the State of Indiana into the State of Louisiana, of a quantity of beer which was adulterated and alleged to have been misbranded. The product was labeled: (Principal label) "Berghoff Brewing Association Pure Hop and Malt Salvator Beer style Fort Wayne, Ind. Guaranteed by the Berghoff Brewing Assn. under the Food and Drugs Act, June 30, 1906." (Neck label) "This Beer is Brewed Double Strength out of the Choicest Malt and Hops Only. And intended for table use and Especially Recommended by Physicians as very Nourishing and Strengthening to the Sick and Convalescent."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	5. 67
Extract (per cent by weight).....	7. 42
Extract original wort (per cent by weight).....	16. 50
Degree fermentation.....	55. 03
Volatile acid as acetic (grams per 100 cc).....	0. 019
Total acid as lactic (grams per 100 cc).....	0. 243
Maltose (per cent).....	2. 26
Dextrin (per cent).....	3. 50
Ash (per cent).....	0. 216
Proteid (per cent).....	0. 557
P ₂ O ₅ (per cent).....	0. 086
Undetermined (per cent).....	0. 88
Polarization, undiluted, 200 mm tube (°V.).....	+50. 8
Color (degrees in $\frac{1}{4}$ -inch cell, Lovibond).....	19

Adulteration of the product was charged in the second count of the indictment for the reason that a product brewed from malt, hops, and other cereal products had been substituted in part for a product brewed from hops and malt only. Misbranding was charged in the first count of the indictment for the reason that the statements "Pure Hop and Malt Salvator Beer" and "This Beer is Brewed Double Strength out of the Choicest Malt and Hops Only," so printed and apparent on the labels attached to said bottles containing the product aforesaid, regarding the ingredients contained in said bottles aforesaid, were false and misleading in that said product was not

brewed double strength out of the choicest malt and hops, but, in truth and in fact, said product was brewed from malt, hops, and cereal products.

On December 16, 1913, the defendant company entered a plea of guilty to the second count of the indictment, charging adulteration of the product, and the court imposed a fine of \$100 and costs. The first count of the indictment, charging misbranding of the product, was nolle prossed.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3095. Misbranding of horse feed. U. S. v. 400 Sacks of Horse Feed. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5211. S. No. 1799.)

On May 8, 1913, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks, each containing 100 pounds of horse feed, remaining unsold in the original unbroken packages, and in possession of the Central Railroad Co. of New Jersey, at Elizabethport, N. J., alleging that the product had been shipped on or about February 20, 1913, by the Virginia Carolina Feed Co., East St. Louis, Ill., and transported from the State of Illinois into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Lbs. Prize Alfalfa Molasses Horse Feed. Mixture corn, alfalfa meal, oats, Molasses, 1 per cent salt. Protein 11.50 per cent. Fat 3.51 per cent. Fibre 5.98 per cent. Carbo 53. per cent. Manufactured for the J. C. Smith and Wallace Co., Newark, New Jersey."

Misbranding of the product was alleged in the libel for the reason that it bore the statement on the label that it contained 11.5 per cent protein, which said label was false and misleading, as the product contained a much less quantity of protein than that indicated by the label. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it contained 11.5 per cent protein, when, in truth and in fact, it contained a much less quantity. Misbranding was alleged for the further reason that the labels thereon were calculated to deceive and mislead the purchaser thereof.

On May 26 and 31, 1913, the said Virginia Carolina Feed Co., having admitted the allegations of the libel and petitioned the court that the product be released to it under bond, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal. It was provided, however, that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3096. Misbranding and alleged adulteration of sirup. U. S. v. 5 Barrels and 10 One-half Barrels of Sirup. Decree of condemnation by consent. Product released on bond. (F. & D. No. 5212. S. No. 1801.)

On May 8, 1913, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel for the seizure and condemnation of 5 barrels and 10 one-half barrels, each barrel containing 50 gallons or thereabouts, and each one-half barrel containing about 28 gallons or thereabouts, of sirup, remaining unsold in the original unbroken packages, and in possession of O'Donnell & Co. (Inc.), Sumter, S. C., alleging that the product had been shipped on February 27, 1913, by the D. R. Wilder Manufacturing Co., Atlanta, Ga., and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Wilder's Uniform Brand New Crop Syrup. The D. R. Wilder Mfg. Co., Atlanta, Ga."